

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Nicholas Gregory Croley,

Case: 4:24-mj-30320

Judge: Ivy, Curtis

Filed: 08-02-2024

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 27, 2021 and July 27, 2024 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2252A(a)(1)	transportation of child pornography
18 U.S.C. § 2252A(a)(2)	attempt to receive child pornography

This criminal complaint is based on these facts:


There is probable cause to believe that Nicholas Gregory Croley committed violations of 18 U.S.C. § 2252A(a)(1) (transportation of child pornography) on December 27, 2021 and 18 U.S.C. § 2252A(a)(2) (attempted receipt of child pornography) on July 27, 2024.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence and/or by
reliable electronic means.

Date: August 2, 2024

City and state: Flint, MI

*Complainant's signature*

Justin Thompson, Special Agent, FBI

Printed name and title*Judge's signature*

Hon. Curtis Ivy, Jr., United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT
AND ARREST WARRANT

I, Justin M. Thompson, a Special Agent with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice (DOJ). I have been so employed since March 2024. I am currently assigned to the FBI's Detroit Division, Flint Resident Agency (FLRA) as a member of the Northeast Michigan Trafficking and Exploitation Crimes Task Force (NEMTEC) which is a Federal Bureau of Investigation (FBI) managed task force. It is tasked with addressing Crimes Against Children and Human Trafficking threats in coordination and cooperation with its local and state partners. I was previously employee as a police officer for Livonia Police Department for eleven years. During my previous employment, I was assigned and investigated numerous criminal cases including investigations involving child victims. As part of my employment, I have received training in and been involved in investigations regarding human trafficking, exploitation of children, drug trafficking, money laundering, threats, financial crimes, crimes involving gang related activities, child pornography and other violations of federal law. I have been involved with several investigations regarding child pornography and the

exploitation of children through the internet. I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for Nicholas Gregory Croley for violations of 18 U.S.C. § 2252A(a)(1) (transportation of child pornography) and 18 U.S.C. § 2252A(a)(2) (attempt to receive child pornography).

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the requested complaint and arrest warrant.

4. On July 27, 2024, an FBI Special Agent acting in an online undercover capacity participated in online communications with an individual believed to be Nicholas Gregory Croley. As part of the investigation, he was a member of a group on the Kik Messenger application that was dedicated to the distribution of child sexual abuse material (CSAM), and whose name is known to law enforcement.

Based on my training and experience, Kik Messenger is a social media application that is accessed via the internet. It allows users to, among other things, create accounts, chat with others in groups or individually, and send and receive images and videos that have been taken within the application or uploaded from an electronic device.

5. On July 27, 2024, at approximately 6:44 a.m. Pacific Standard Time (PST), an FBI Special Agent acting in an undercover capacity saw a user with username happycouple2835 send three live images in the Kik Messenger Chat Group “Daught_r Sharing.” The “Daught_r Sharing” display name also contained the purple devil emoji in the display name. The “Daught_r Sharing” chat group was believed to be an online resource where child pornography was being distributed and solicited.

6. The images shared by happycouple2835 shared several sexual photographs involving a minor that appeared to have been self-produced.

7. The Special Agent acting in an undercover capacity then started a private message conversation with the user happycouple2835. In the conversation, the user happycouple2835 indicated he was a 35-year-old male and provided other demographic information that was later confirmed to be consistent with Croley. During the conversation, the Undercover FBI Agent indicated they had a twelve-

year-old daughter. Happycouple2835 subsequently requested naked photos of the Undercover FBI Agent's fictitious twelve-year-old daughter. I The Undercover FBI Agent responded that they have no nude photos of the fictitious twelve-year-old girl and happycouple2835 subsequently responded "No shower pics or vids." Through the conversation Happycouple2835 also sent a non-pornographic image of another minor known and close to Croley, with Croley indicating a desire to engage in sex acts with her.

8. The Undercover FBI Agent made an exigent subscriber information request to Kik Messenger for happycouple2835. The subscriber information showed the email associated with happycouple2835 was deepwoodsautomotive****@gmail.com.¹ The Kik account was registered on 7/24/2024. The phone manufacturer associated with the account was a Samsung.

9. I conducted an open-source search for Nicholas Croley and discovered the associated phone number of 810-691-****.

10. Assisting Law Enforcement Officers searched Clemis, a law enforcement database for Nicholas Croley and determined that Croley also provided his telephone number, 810-691-**** to law enforcement on 11/23/2020.

¹ In order to avoid providing full identifying information, I use asterisks throughout this affidavit.

11. The telephone number, 810-691-**** was provided to the National Center for Missing and Exploited Children (NCMEC). NCMEC discovered a report made by Kik Messenger on 12/27/2021 for apparent child pornography that was uploaded. Of the files uploaded, 18 were apparent child pornography, one was an unclothed child and ten listed as CP unconfirmed. I was able to view the images from the report and the images are child pornography under the federal guidelines. The email provided by NCMEC for this report associated with phone number 810-691-**** was “810691****nick@gmail.com.” The username for the uploaded apparent child pornography from this incident was “nick_croley.”

12. On 8/1/24, a federal search warrant was issued for an address associated with Croley and Nicholas Croley’s person. On 8/1/24 at approximately 12:45, members of the FBI executed the federal search warrant at the location. Upon approach, Croley was observed in the driveway speaking on a cellular telephone. Members provided verbal commands to Croley. In defiance of the commands, Croley retreated into his detached garage. Shortly after Croley exited the garage and was detained by members of the FBI. He no longer had his cellular telephone with him. A search of the detached garage where Croley retreated to revealed a Samsung cellular telephone within an oil drain pan that was filled with used oil. The Samsung cellular telephone was still powered on at the time of the recovery.

13. I interviewed Croley while on scene. After being advised of his *Miranda* rights, Croley provided his telephone number as 810-691-****. Croley also explained his email address was “backwoods something” but could not recall the exact email address. Croley confirmed that he resides at the address of the warrant and has lived there for the past three years. Croley also explained that their internet service provider is Spectrum.

14. SA Michael S. Wiggins conducted an interview of Croley’s girlfriend on scene. Swisher confirmed that the email address, “810691****nick@gmail.com” is actively utilized by Croley. Swisher was shown the photos of the apparent minor that was uploaded to the Kik group chat and Swisher identified the female as one that is known and close to both her and Croley. Swisher verified that the pictures were taken inside the residence as well. Swisher also identified a hand in one image as Croley’s. Swisher also identified the Samsung cellular telephone recovered from the oil drain pan as Croley’s.

15. Based on the aforementioned facts, there is probable cause to believe that Nicholas Gregory Croley committed violations of 18 U.S.C. § 2252A(a)(1) (transportation of child pornography) on December 27, 2021 and 18 U.S.C. § 2252A(a)(2) (attempted receipt of child pornography) on July 27, 2024.



Justin M. Thompson
Special Agent

Sworn to before me and signed in my presence and/or by reliable electronic means on August 2, 2024.



Hon. Curtis Ivy, Jr.
United States Magistrate Judge